

BILLS SIGNED.

The Chair gave notice of signing and did sign in the presence of the Senate, after their captions had been read,

Senate bill No. 122, "An Act to provide for the redemption of land sold under decree of court for taxes due an incorporated city or town, and providing that redemption of the land so sold may be had within two years from the date of such sale, and providing the terms, conditions and penalties incident thereto."

Senate bill No. 153, "An Act to amend Section 22, of 'An Act to fix certain civil fees to be charged by certain county and precinct officers, and to fix and limit the fees and compensation of clerks of the district courts, district attorneys, county attorneys, sheriffs and constables in felony cases, to be paid by the State, and to fix the compensation of assessors and collectors of taxes, and to limit and regulate the compensation of sheriffs, clerks of the county court, county judge, district and county attorney, clerk of the district court, assessor and collector of taxes, justices of the peace and constables, and to prescribe penalties for the violation of this act, and to repeal all laws in conflict herewith,' approved June 16, 1897, so as to fix and limit the compensation of clerks of the district courts for certain services."

Senate bill No. 206, "An Act to authorize corporations now or hereafter incorporated under the laws of this State for the purpose of acquiring and operating union passenger depots to condemn land for the purpose of their incorporation."

Senator Miller moved to adjourn to 10 a. m. Monday.

Senator Yantis moved to adjourn to 3 p. m. today.

Action being first had on the longest time, the Senate adjourned to Monday next at 10 a. m.

FORTY-NINTH DAY.

Senate Chamber.

Austin, Texas, Monday, March 20, 1899.

Senate met pursuant to adjournment.

Lieutenant-Governor Browning in the chair.

Roll called. Quorum present. the following Senators answering to their names:

Atlee.	Gough.
Burns.	Greer.
Davidson.	Grinnan.
Dibrell.	Hanger.
Goss.	James.

Kerr.	Ross.
Lewis.	Sebastian.
Lloyd.	Stone.
Morriss.	Turney.
Odell.	Wayland.
Patterson.	Yantis.
Potter.	Yett.

Absent.

Johnson.	Miller.
Linn.	Stafford.
McGee.	Terrell.

Absent—Excused.

Neal.

Prayer by the Chaplain, Rev. Dr. Denison.

Pending the reading of the Journal of yesterday,

On motion of Senator Kerr, the same was dispensed with.

EXCUSED.

On motion of Senator Hanger, Senator Miller was excused for today and tomorrow on account of sickness and death in his family.

EXECUTIVE MESSAGE.

(Vetoing Senate bill No. 154.)

The following message from the Governor was received, read, and, on motion of Senator Gough, referred to the Committee on Internal Improvements, to wit: *To the Honorable the Senate:*

I return herewith Senate bill No. 154, without my approval, and in support of this action I have to submit as follows:

That the physical relations of the Missouri, Kansas & Texas Railway Company of Texas and of the Sherman, Shreveport & Southern Railway Company, whose roads it is proposed to consolidate, may be properly understood, it is necessary to note the distance between the town of Greenville, in Hunt county, through which the roads of both companies pass, and the city of Galveston, which is the principal seaport of the State. The distance between the two points named, that is, Greenville and Galveston, over the Sherman, Shreveport & Southern Railway to Jefferson, thence to Longview over the Texas & Pacific Railway and thence over the International & Great Northern Railway, is 443 miles; that over the road belonging to the Missouri, Kansas & Texas Railway Company of Texas to Mineola, thence over the International & Great Northern Railway, is 342 miles; that over a line of the Missouri, Kansas & Texas Railway Company of Texas to Dallas and thence by the

main line of that company is 443 miles; and that over the Sherman, Shreveport & Southern Railway to McKinney and thence over the Houston & Texas Central Railway is 328 miles. The Sherman, Shreveport & Southern Railway also has connection at Greenville with Galveston over the Texas Midland Railway, connecting with the Houston & Texas Central Railway at Ennis. The distance from Greenville to St. Louis, Mo., over the road belonging to the Missouri, Kansas & Texas Railway Company of Texas and the Missouri, Kansas & Texas Railway Company is 713 miles; and that from Greenville to St. Louis over the Sherman, Shreveport & Southern Railway to Jefferson, thence over the Texas & Pacific Railway to Texarkana, and thence over the St. Louis, Iron Mountain & Southern Railway to St. Louis is 670 miles. The Sherman, Shreveport & Southern Railway Company is the direct successor of the East Line & Red River Railway Company, and the Missouri, Kansas & Texas Railway Company of Texas is also the direct successor of the Missouri, Kansas & Texas Railway Company as to all lines of railroad owned and operated by the latter in this State. On November 28, 1881, the East Line & Red River Railway Company sold and delivered (reserving its charter only for a limited time and for a specified purpose) its entire property of whatever kind and description to the Missouri, Kansas & Texas Railway Company, the road of the East Line & Red River Railway Company then, as now, extending from Jefferson via Greenville to McKinney. The physical relations of the two railways, parties to the sale, were then identically as now, subsist between the Missouri, Kansas & Texas Railway of Texas and the Sherman, Shreveport & Southern Railway. The State, through its Attorney-General, instituted proceedings to annul the sale, to cancel the charter of the East Line & Red River Railway Company, and to put its property in the hands of a receiver to be administered for the benefit of its creditors and stockholders. The State prevailed before the trial court, and an appeal was taken by the company to the Supreme Court. Among the findings of fact by the court below was the following:

"Disregarding their connections with other railroads and lines of transportation, the East Line & Red River and the Missouri, Kansas & Texas Railroads were not competing roads when said sale was made. Considered with reference to such connections, they were competing roads."

The East Line & Red River Railway Company, through its counsel, contro-

verted this finding of the trial court with the following proposition:

"5. Whether given lines of roads are competing within the meaning of that term as used in our Constitution and in the charter of respondent, must be determined by the extent, location and the relations of the two lines as constructed on the ground, that is, by their own physical conditions and not by their business connections or opportunities for business connections with other common carriers. If two roads, as constructed on the ground, when judged exclusively by the extent of their respective lines and their location with reference to each other, are rival carriers, contending for the carriage of the same freight or passengers between the same markets, they are competing; if, however, these conditions do not exist, they are not competing. If the two lines do not have more than one point in common they are not competing, though they may have one common point and may each form a link in one of two or more different great routes of connecting lines extending between their one common point and the great commercial markets of the world."

Upon the issue thus joined and brought directly before the Supreme Court, the chief justice, who delivered the opinion, said: "We further concur with the court below in the holding that railways, by reason of their relations with, control or management of other lines than their own, may become, within the meaning of the law, competing lines, though the railways owned by them may not in fact connect." And again said the court:

"Article X, Section 5, of the Constitution, provides that: 'No railroad or other corporation, or the lessees, purchasers or managers of any railroad corporation shall consolidate the stock, property or franchise of such corporation with or lease or purchase the works or franchises of or in any way control any railroad corporation owning or having under its control a parallel or competing line, nor shall any officer of such railroad corporation act as an officer of any other railroad owning or having control of a parallel or competing line.' The court below found, on evidence that justified it, that respondent and the corporation to whom it sold were competing lines. The Constitution forbade the sale."

The opinion of the Supreme Court thus construing Section 5, Article X, of the Constitution, will appear more convincing, if not altogether conclusive, when taken in connection with the requirement of Section 1 of the same article, which provides that: "Every railroad company shall have the right, with its road, to in-

tersect, connect with or cross any railroad, and shall receive and transport each the other's passengers, tonnage and cars, loaded or empty, without delay or discrimination, under such regulations as shall be prescribed by law."

But it is urged by some that this particular finding and the judgment of the Supreme Court thereon was only an incident of small moment, and that it was not a controlling factor in the case. It is true that the court was quite brief in reference to this finding, yet it must be admitted that its language is as plain and emphatic as it is terse. It could not be made more so. But that the importance of the finding and its effect upon the final determination of the suit may be fully appreciated, it would be well to note that the court further said upon the question raised: "That respondent's abuse of its franchise is evident by an act violative of the Constitution, and that its non-user of its franchises may be attributable to that act in this proceeding, becomes important as an aggravating fact indicating the wilfulness of the act; but still the fact remains that respondent used its powers for a forbidden purpose, which is a misuser of its franchise, and the further fact that it failed for a long time to exercise its corporate franchises to carry out the purposes for which they were given. Such abuse and non-use of the corporate franchise gives common law grounds for the forfeiture of respondent's charter, and there is nothing in the statute which indicates that the State intended to waive its right to the forfeiture, and the court below correctly so held."

The case referred to may be found on pages 432-452, Vol. 75, Texas Supreme Court Reports, and is styled "East Line & Red River Railway Company vs. the State of Texas," and the court that delivered the opinion was composed of Chief Justice Stayton and Associate Justices Gaines and Henry. It was as able a court as ever sat in Texas, and the opinion was unanimous.

The bill returned has received the most careful consideration at my hands. I have not only most closely examined the transcript of the proceedings of the trial court, but have also been favored with an argument in support of the measure by able and experienced counsel. It was insisted before me that the finding of the lower court and its confirmation by the Supreme Court depended in a great measure upon the oral testimony of two witnesses, and that such testimony was vague and indefinite. To this I have not been able to agree, because, in my opinion, the status of the case would not have

been at all changed had such testimony been eliminated. The trial court had before it the physical relations of all the railways passing through Greenville or connecting with the East Line & Red River and the Missouri, Kansas & Texas Railways, and it was upon that evidence that the finding of the lower court was had. The question finally resolves itself into this: Shall the policy in reference to railways, as defined by the Constitution, control; and shall the interpretation put upon the language of the Constitution by the Supreme Court prevail?

I do not believe that it would be wise or in keeping with the well understood relations of the different departments of the government, as established by the Constitution, and for the law-making power or the executive to directly ignore a decision of the Supreme Court, which seems to have been well considered. There is no great and pressing public necessity for this measure, and, in my judgment, no harm can come either to the companies interested or to the people by permitting the present status of the roads to remain, but much embarrassment may result if the course contemplated by the bill should be taken. The people, in adopting the Constitution, under which legislation is had, have determined the policy of the State in reference to railways and to them an appeal should be taken for a change of the Constitution in this respect if the policy should be deemed too restrictive or illiberal. To my mind, there is no higher and better authority for a proper interpretation of the Constitution than the Supreme Court, nor a safer guide to follow, and I shall consider it my bounden duty to regard the above quoted case as a correct and authoritative interpretation of Article X, Section 5, of the Constitution until it shall have been modified or reversed by the same tribunal.

It may not be considered foreign to the consideration of the question to ask why the road extending from McKinney via Greenville to Jefferson, and now known as the Sherman, Shreveport & Southern Railway, was not included in the Act of April 16, 1891, which authorizes a single corporation, now known as the Missouri, Kansas & Texas Railway Company of Texas, to purchase, consolidate and operate ten or more different railroads therein named. It then bore the same relation to the owners of the Missouri, Kansas & Texas Railway Company of Texas that it now bears, and that the other roads embraced in that act then bore.

Attention is also invited to the declaration in the bill that: "The lines of rail-

way owned and operated by the Missouri, Kansas & Texas Railway Company of Texas extending into various parts of the State, and the line of railway owned and operated by the Sherman, Shreveport & Southern Railway Company are not parallel or competing." If this declaration should be held as limited to the physical relations of the Sherman, Shreveport & Southern Railway on the one part to the lines of railway now owned and operated by the Missouri, Kansas & Texas Railway Company of Texas on the other part, and not as also extending to the physical relations of the lines of railway owned and operated by the Missouri, Kansas & Texas Railway Company of Texas in reference to themselves, the query arises, why is it made to appear in this bill? Has it been put there for the purpose of preventing a judicial inquiry and for estopping the State from showing that the physical relations between the lines of railway affected are not such as are alleged in the declaration? I do not wish to be understood as insisting that this declaration would be considered as an estoppel to the State, but it has been so held by some courts.

In conclusion, I earnestly invite a most careful consideration of the question herein involved in the hope that there may be entire harmony between the legislative and judicial departments of the government, and that the will of the people, as indicated in the Constitution, may be observed. Any substantial difference between the law-making and judicial powers as to the proper interpretation of the Constitution upon so important a subject would present a very grave condition indeed, and should be avoided if possible. For that purpose, and that alone, I have thought it my duty to return the pending bill for further consideration.

The opinion of the Attorney-General in reference to its constitutionality is hereto appended for the consideration of the Senate.

JOSEPH D. SAYERS,
Governor.

ATTORNEY-GENERAL'S OFFICE.

Austin, March 19, 1899.

Governor Joseph D. Sayers, Executive Office, Austin, Texas.

DEAR SIR: In reply to your request of the 18th inst., asking for my opinion in writing as to whether or not Senate bill No. 154, which you hand to me, is constitutional, I beg to say to you, that it is my opinion that said bill is unconstitutional.

In Article X, Section 5, of our Constitution it is declared that "No railroad or other corporation, or the lessees, purchasers, or managers of any railroad corporation, shall consolidate the stock, property or franchises of, or in any way control any railroad corporation owning or having under its control a parallel or competing line; nor shall any officer of such railroad corporation act as an officer of any other railroad corporation owning or having the control of a parallel or competing line."

This clause in the Constitution is clearly inhibitory. Then we meet the proposition, are the two roads referred to in the bill either parallel or competing. This is a question of both law and fact.

We have carefully examined the transcript and papers on file in the Clerk's office of the Supreme Court, in the case of East Line & Red River Railroad Company, appellant vs. The State of Texas, appellee, and also the opinion of our Supreme Court (see Texas Reports, Vol. 75, page 434), affirming the judgment of the lower court, which held that the sale of the East Line & Red River Railroad Company to the Missouri, Kansas & Texas Railway Company, made on the 28th day of November, 1881, was in violation of Section 5, of Article X, of our Constitution.

It is well to bear in mind that the said East Line & Red River Railroad, referred to in said case is the *same* railroad as the Sherman, Shreveport & Southern Railway, referred to in said bill; and that this Missouri, Kansas & Texas Railway Company of Texas, mentioned in said bill, own and operate the same roads in Texas that the Missouri, Kansas & Texas Railway Company, mentioned in said decision, then owned and operated in Texas at the date of said sale. It is a fact also, that both of said roads have the same connections now that they had at the date of said sale and the trial of said cause.

In his conclusions of fact, District Judge Key, who tried the cause, said: "Disregarding their connections with other railroads and lines of transportation, the East Line & Red River and Missouri, Kansas & Texas Railroads were not competing roads when said sale was made. Considered with reference to such connections, they were competing roads."

In the opinion of our Supreme Court, on page 446, 75 Texas, they say: "We further concur with the court below in the holding that railways by reason of their relations with, control or management of other lines than their own, may

become, within the meaning of the law, competing lines, though the railways owned by them may not in fact connect." And again, after quoting Article X, Section 5, of our Constitution, the Supreme Court, on page 448, in the same opinion say: "The court below found, on evidence that justified it, that respondent and the corporation to whom it sold were competing lines. The Constitution forbade the sale."

In the case of G., C. & S. F. Ry. Co. vs. The State, in the 72nd Texas, on page 410, the court says: "But the authorities cited show that we must take notice of the geography of the State, and at least of its navigable streams. It is a matter of history that important lines of railroad once established, have remained as fixed and as permanent in their course as the rivers themselves. They supersede in the main all other modes of travel between the points which they touch, and become as well if not better known than any other geographical feature of the country. Their locality becomes 'notorious and indisputable.'"

I regard the conclusion reached by me to be settled by the Constitution and authorities cited, and these authorities are strongly supported by others, but not desiring to make this communication too lengthy, I forego quoting them to you.

Yours truly,

(Signed) T. S. SMITH,
Attorney-General.

EXECUTIVE MESSAGE.

(Smallpox riots at Laredo.)

The following communication from the Governor was received, read, and, on motion of Senator Atlee, referred to the Committee on State Affairs, to wit:

To the Senate and House of Representatives.

I have to inform the Senate and House of Representatives that on yesterday I received the following telegrams from Laredo, of that date, to wit:

"Cannot enforce quarantine regulations without using force. Many infected refuse to submit to being sent to hospital and detention camp. Without such measures the disease cannot be suppressed. Shall I use such means as are necessary to enforce these regulations? Answer immediately.

(Signed) "W. F. BLUNT."

"Riot absolutely certain. Officers are resisted by mob of a thousand. State must help at once. Can't you ask United States troops here to assist? Act quickly. People favoring the enforcement of law are arming to assist officers,

but this will bring bloodshed. Our assistant city marshal was just wounded by mob.

(Signed) "THOS. W. DODD,
"J. O. NICHOLSON,
"For all our good people."

"Enlightened public sentiment endorse and approve all Dr. Blunt has done. Citizens ask you to sustain him fully.

(Signed) "J. J. HAYNES,
"Collector Customs.

"C. W. MCNEIL,
"Postmaster.

"A. L. MCLANE,
"Judge District Court.

"J. WARD,
"Rector Episcopal Church.

"T. W. DODD,
"J. O. NICHOLSON,
"L. B. GILES."

I thereupon wired the State Health Officer as follows:

"Telegram received; call upon officer in command of United States troops in my name to assist in maintaining peace and preserving order, but exercise great prudence and avoid bloodshed if it be possible. Adjutant General Scurry leaves by first train. Have wired Secretary of War for orders. Show this telegram to the mayor of Laredo and sheriff of Webb county and ask their co-operation. Keep me constantly advised."

Also to the same official:

"Use such means as the law may afford you to maintain and enforce quarantine regulations and as in your judgment may be necessary, but in so doing do not resort to extreme measures if it be possible to otherwise enforce regulations."

I also wired the Secretary of War as follows:

"Please immediately order by wire commanding officer United States troops to assist the mayor of Laredo and the sheriff of Webb county, Texas, in preserving the peace and maintaining order at Laredo, until I can get State troops to that point. A very serious riot is pending. Please answer."

To which latter telegram I received the following reply:

"Washington, D. C., March 19, 1899.

"Hon. Joseph D. Sayers, Governor, Austin, Texas.

"The following just sent the commanding officer at Fort McIntosh: 'At the request of Governor of Texas, the Secretary of War directs that you use your force in assisting the mayor of Laredo and the sheriff of Webb county in pre-

serving peace and maintaining order until the arrival of State troops. Acknowledge receipt and report situation by telegraph.

(Signed) "H. C. CORBIN,
"Adjutant General."

I then wired the State Health Officer at Laredo as follows:

"Relieve United States troops as soon as the Adjutant General arrives with rangers.

(Signed) "JOSEPH D. SAYERS,
"Governor."

By my direction, the Adjutant General left on last evening for Laredo, having previously ordered the rangers at Cotulla, Isletta and Alice (twenty-four men in all) to proceed immediately to that point.

I feel quite confident that the steps taken by me will insure the preservation of peace and the maintenance of order at Laredo, and that all proper quarantine regulations will be observed.

JOSEPH D. SAYERS,
Governor.

PETITIONS AND MEMORIALS.

By Senator Sebastian:

Memorial from the citizens of Callahan county, protesting against the cutting off of any part of said county for the purpose of creating a new county.

Read, and referred to Committee on Counties and County Boundaries.

By Senator Yantis:

Protest from colored citizens of East Waco, against the inclusion of said territory by extension of the city limits of the city of Waco.

Read, and referred to Committee on Towns and City Corporations.

By Senator Davidson:

Petition of City Board of Trade, endorsed by the Business Men's Association of the city of Cuero, asking the exemption of merchants from the payment of occupation taxes.

Read, and referred to Committee on Finance.

COMMUNICATION.

The Chair laid before the Senate the following communication:

Mr. President:

Your Committee on Federal Relations, to which was referred the message of Governor James A. Mount, and the preamble and resolutions of the Legislature of Texas, has had the same under consideration, and begs leave to report the same back to the Senate with the recommendation that,

It is the sense of the Senate that we hereby express our highest appreciation of the patriotic sentiments expressed in the preamble and resolutions adopted by the Legislature of our sister State, Texas, transmitted by wire, to the Governor of our State, and by him to this body with an appropriate message.

We acknowledge with pleasure the cordial invitation extended by the Legislature of Texas to the Legislature of Indiana to accompany the Governor and the Commander of the Grand Army of the Republic for the Department of Indiana, with their respective staffs, and such other soldiers as they may select, to attend with them such ceremonies as may be inaugurated for the return to the survivors of Terry's Texas Rangers their battle flag captured from them in 1864.

It will doubtless be an occasion of great pleasure, thus to meet and greet our Southern friends, and one, not only of pleasure, but also of great usefulness in helping to bury out of sight forever that estrangement that has so long been a source of unpleasantness and regret, but which for years has been languishing, and happily for all, received its mortal wound during the late Spanish war, when the late gallant men of the North and South stood shoulder to shoulder and marched under one flag, the stars and stripes, to that glorious and great victory of which all are so proud; but now in the expiring hours of our sixty-first session of this Legislature, it will not be convenient for us to make the necessary arrangements, and we very respectfully regret our inability, as a body, to attend these ceremonies, but are well assured our State will be very properly represented by the commission appointed.

We recommend that a duly engrossed copy hereof be signed by our presiding officer and promptly forwarded to the Legislature of Texas.

C. C. BINKLEY,
Chairman.

Indianapolis, Indiana, March 8, 1899.

Mr. President and Gentlemen of the Senate, Legislature of Texas.

The foregoing is a true and complete copy of the original report made by Hon. C. C. Binkley, chairman of the Committee on Federal Relations, to which was referred the preamble and resolutions of the Legislature of your State, concerning the return to the survivors of Terry's Texas Rangers, their battle flag.

W. S. HAGGARD,
President of the Senate.

Attest:

WILL C. CONVARSE,
Principal Secretary of the Senate.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, March 20, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Public Lands and Land Office, to whom was referred

Senate bill No. 236, being a bill to be entitled "An Act to validate and quiet titles to public free school, university and asylum lands sold prior to January 1, 1899, to provide for patents and to prescribe limitation for bringing suits for the recovery of such lands,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

POTTER, Chairman.

Committee Room,
Austin, Texas, March 15, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 235, being a bill to be entitled "An Act to amend Sections 7 and 137, 138, 139, 140, 141 and 142, of an act entitled 'An Act to grant a new charter to the city of El Paso,' approved March 2, 1889, and the acts amendatory thereof, relating to streets, alleys, sidewalks and other public improvements, and the levy and collection of a tax to pay therefor, and fixing the time of holding elections,"

And find the same correctly engrossed.

JAMES, Chairman.

Committee Room,
Austin, Texas, March 20, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 199, being a bill to be entitled "An Act to confer authority on the Penitentiary Board to issue paroles to meritorious convicts, and to make and establish rules and regulations to carry the same into effect,"

And find the same correctly engrossed.

JAMES, Chairman.

BILLS AND RESOLUTIONS.

By Senator Ross:

Senate bill No. 273, A bill to be entitled "An Act to amend 'An Act to incorporate

the city of Paris, and to prescribe its duties and liabilities,' adopted by the Twenty-first Legislature of Texas, and approved March 27, 1889, by amending Section 4 of said act so as to make all officers created by said act elective by the qualified voters of said city."

Read first time, and referred to the Committee on Towns and City Corporations.

By Senator Davidson:

Senate bill No. 274, A bill to be entitled "An Act to create a more efficient road system for the county of De Witt."

Read first time, and referred to the Committee on Roads, Bridges and Ferries.

By Senator Atlee:

Senate bill No. 275, A bill to be entitled "An Act to make an appropriation to be used by the Governor of the State of Texas in paying for services heretofore rendered at the instance of the Governor under employment which may have been authorized by the Constitution or laws of the State."

Read first time, and referred to the Committee on Finance.

By Senator Turney:

Senate bill No. 276, A bill to be entitled "An Act to amend Article 4002, Chapter 15, Title LXXXVI, of the Revised Civil Statutes, 1895, with reference to the collection of taxes in independent school districts incorporated for free school purposes."

Read first time, and referred to the Committee on Education.

Call concluded.

REGULAR ORDER.

The Chair laid before the Senate, on second reading,

Senate bill No. 119, A bill to be entitled "An Act to amend Article 4368, Chapter 3, Title XCIV, of the Revised Civil Statutes of the State of Texas, prescribing the duties of railway companies with respect to their general and public offices, and the residence of their officers, to be kept and maintained within this State."

The bill was read a second time, with committee substitute therefor, to wit:

Substitute Senate bill No. 119, by Committee.

A bill to be entitled "An Act to amend Article 4368, Chapter 3, Title XCVI, of the Revised Civil Statutes of the State of Texas, prescribing the duties of railway companies with respect to their general and public offices, and the residence of their officers, to be kept and maintained within the State of Texas."

Be it enacted by the Legislature of the State of Texas:

Article 4368. It shall be the duty of said railroad company to keep and maintain at the place within this State where its said general offices are located, the office of its president or vice-president, also the office of its secretary, treasurer, local treasurer, auditor, general freight agent, traffic manager, general manager, general superintendent, general passenger and ticket agent, chief engineer, superintendent of motive power and machinery, master mechanic, master of transportation, fuel agent, general claim agent, and each and every one of its general offices shall be so kept and maintained, by whatever name it is known, and the persons who perform the duties of said general offices, by whatever name known, shall keep and maintain their offices at the place where the said general offices are required to be located and maintained, and the persons holding said general offices of a railroad shall reside at the place and keep and maintain their offices at the place where the general offices of said railroad are required by law to be kept and maintained, and if the duties of any of the above named offices are performed by any person, but his position is called by a different name, it is hereby made the duty of said railroad company to have and maintain said offices at the place where its general Texas offices are kept and maintained as required by this chapter; provided, that if the judgment of the court shall be to forfeit the charter then it shall allow the railroad company six months from the date of the judgment within which to comply with the requirements of this chapter, and if said railroad company shall comply within the said time no forfeiture shall occur, but if the railroad company shall not comply, then the judgment shall be final; the object and meaning of this statute being to require every railroad company owning or operating a line of railway within this State to keep and maintain its general offices within this State at such place as required herein, and the name of the general offices shall not be understood to allow the railroad company to have any of the offices usually known as general offices at any other place than the one it is required to keep its general offices at, and each and every railroad is hereby required to have and maintain its general offices at the place named herein. Provided further, that where the principal shops of any company are situated on its line in the State at a place other than the place where its general offices are located, the superintendent of motive power and ma-

chinery, master mechanic, either or both, may have his office and reside at such place where such principal shops are located; and provided further, that the Railroad Commission of Texas, where it is made to appear that any officer of any company can more conveniently perform his duties by residing at some place on the line in Texas other than the place where the general offices are situated, may by an order entered on its record authorize any such officer to so reside and keep his office at such place.

Pending action on the adoption of the committee substitute, on motion of Senator Potter, the Senate adjourned to 3 p. m. today, out of memory of Hon. S. P. Evans, deceased member of the House of Representatives from Grayson county.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Morriss.
Burns.	Odell.
Davidson.	Patterson.
Dibrell.	Potter.
Goss.	Ross.
Greer.	Sebastian.
Grinnan.	Stone.
Hanger.	Turney.
James.	Wayland.
Kerr.	Yantis.
Lewis.	Yett.
Lloyd.	

Absent.

Gough.	McGee.
Johnson.	Stafford.
Linn.	Terrell.

Absent—Excused.

Miller.	Neal.
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Senator Potter called up

Senate Committee Substitute No. 1 for Senate bill No. 1, A bill to be entitled "An Act to amend Articles 4497 and 4500, of the Revised Civil Statutes of the State of Texas of 1895, originally enacted in 1887, relating to furnishing cars for the shipment of freight and the time within which the same shall be loaded," which had passed the House with amendments, and moved that the Senate concur in said amendments.

Concurred.

COMMITTEE REPORTS.

By unanimous consent the following committee reports were made:

Committee Room,
Austin, Texas, March 20, 1899.
Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Public Lands and Land Office, to whom was referred

Senate bill No. 254, being a bill to be entitled "An Act to amend Article 4218q, of Chapter 12a, of Title LXXXVII, of the Revised Civil Statutes of the State of Texas of 1895, relating to the sale of timber lands,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

POTTER, Chairman.

Committee Room,
Austin, Texas, March 20, 1899.
Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Public Debt, Claims and Accounts, to whom was referred

Senate bill No. 249, being a bill to be entitled "An Act making an appropriation of \$2248.20 to pay the heirs of J. H. Coleman, deceased, eight per cent. interest on \$4215.41 from January 1, 1875, to September 29, 1881, on claims of teachers of public schools of Texas for services rendered,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do not pass*.

KERR, Acting Chairman.

Committee Room,
Austin, Texas, March 20, 1899.
Hon. Jas. N. Browning, President of the Senate.

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 257, being a bill to be entitled "An Act to locate the Court of Criminal Appeals at Austin; to regulate the appointment of a clerk, bailiff, stenographer and porter, and to provide for the disposition of the property of said court at Tyler and Dallas; being an act to amend Articles 73, 74, 75, 76, 77, 78 and 79, of the Code of Criminal Procedure, and to add thereto Articles 73a and 79b, and to repeal Articles 1050 and 1051, of Title XXVII, of Chapter 23, and Articles 1055, 1056, 1057, 1058 and 1059, Chapter 25, Revised Civil Code,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

ATLEE, Chairman.

Committee Room,
Austin, Texas, March 20, 1899.
Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate Substitute bill No. 162, being a bill to be entitled "An Act to define whitecapping, and fixing a punishment therefor,"

And find the same correctly engrossed.

MORRISS, Acting Chairman.

Committee Room,
Austin, Texas, March 20, 1899.
Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate Substitute bill No. 65, being a bill to be entitled "An Act making appropriations for the support of the State government for the years beginning on February 28, 1899, and ending on February 28, 1901, and for other purposes,"

And find the same correctly engrossed.

JAMES, Chairman.

Committee Room,
Austin, Texas, March 17, 1899.
Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Enrolled Bills, have carefully examined and compared

Senate bill No. 206, being a bill to be entitled "An Act to authorize corporations now or hereafter incorporated under the laws of this State for the purpose of acquiring, owning and operating union passenger depots to condemn land for the purpose of their incorporation."

And find the same correctly enrolled, and have this day, at 12:10 p. m., presented the same to the Governor for his approval.

GREER, Acting Chairman.

Committee Room,
Austin, Texas, March 17, 1899.
Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Enrolled Bills, have carefully examined and compared

Senate bill No. 153, being a bill to be entitled "An Act to amend Section 22 of

'An Act to fix certain civil fees to be charged by certain county and precinct officers, and to fix and limit the fees and compensation of clerks of the district courts, district attorneys, county attorneys, sheriffs and constables in felony cases to be paid by the State, and to fix the compensation of assessors and collectors of taxes, and to limit and regulate the compensation of assessors and collectors of taxes, and to limit and regulate the compensation of the sheriff, clerk of the county court, county judge, district and county attorney, clerk of the district court, assessor and collector of taxes, justices of the peace and constables, and to prescribe penalties for the violation of this act, and to repeal all laws in conflict herewith,' approved June 16, 1897, was to fix and limit the compensation of clerks of the district courts for certain services."

And find the same correctly enrolled, and have this day, at 12:10 p. m., presented the same to the Governor for his approval.

GREER, Acting Chairman.

Committee Room,
Austin, Texas, March 17, 1899.

Hon. Jas. N. Browning, President of the Senate, Austin, Texas.

SIR: Your Committee on Enrolled Bills, have carefully examined and compared

Senate bill No. 122, being a bill to be entitled "An Act to provide for the redemption of land sold under decree of court for taxes due an incorporated city or town, and providing that the redemption of the land so sold may be had within two years from the date of such sale, and providing the terms, conditions and penalties incident thereto,"

And find the same correctly enrolled, and have this day, at 12:10 p. m., presented the same to the Governor for his approval.

GREER, Acting Chairman.

BILL NO. 277.

By unanimous consent, the following bill was introduced:

By Senator Lloyd:

Senate bill No. 277, A bill to be entitled "An Act to amend subdivision 19, of an act entitled 'An Act to amend Article 5049, of Chapter 1, Title CIV, of the Revised Statutes, relating to general occupation tax,' passed at the First Called Session of the Twenty-fifth Legislature, Chapter 18 of said laws."

Read first time, and referred to Judiciary Committee No. 2.

PENDING BUSINESS.

The Chair laid before the Senate, on second reading, pending business,

Substitute Senate bill No. 119, A bill to be entitled "An Act to amend Article 4368, Chapter 3, Title XCIV, of the Revised Civil Statutes of the State of Texas, prescribing the duties of railway companies with respect to their general and public offices, and the residence of their officers, to be kept and maintained within this State," action being on the adoption of the committee substitute (see Journal of morning session).

The committee substitute was adopted.

By Senator Odell:

"Amend by inserting after line 9, page 4, the following, 'Section 1.'"

Adopted.

By Senator Odell:

"Amend by inserting after the enacting clause, page 4, the following, 'that Article 4368, Revised Statutes, be so amended as to hereafter read as follows.'"

Adopted.

By Senator Odell:

"Amend by adding:

"Section 2. All laws and parts of laws in conflict herewith are hereby repealed.'"

Adopted.

By Senator Odell:

"Amend by adding emergency clause:

"Section 3. The crowded condition of the calendar, rendering it improbable that this bill can be read on three several days, and the importance of this bill, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.'"

Adopted.

By Senator Greer:

"Amend page 4, line 17, by inserting after the word 'transportation' the following, 'trainmaster, stock and.'"

Lost.

The bill as amended was then ordered engrossed.

On motion of Senator Odell, the constitutional rule requiring bills to be read on three several days was suspended, and the bill placed upon its third reading and final passage by the following vote:

Yeas—21.

Atlee.
Burns.

Davidson.
Dibrell.

Goss.	Odell.
Greer.	Potter.
Grinnan.	Ross.
Hanger.	Sebastian.
James.	Stone.
Kerr.	Turney.
Lewis.	Yantis.
Lloyd.	Yett.
Morriss.	

Absent.

Gough.	Patterson.
Johnson.	Stafford.
Linn.	Terrell.
McGee.	Wayland.

Absent.

Miller.	Neal.
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The bill was then read a third time.

By Senator Grinnan:

"Amend by adding after Article 4368 the following:

"Section 2. This act shall in no way affect the right of railroad companies to maintain shops or roundhouses at points on their line other than where the general offices of such roads are or may be located."

Lost.

By Senator Davidson:

"Amend line 17, page 5, by adding after 'officer,' the following 'other than general offices.'"

Adopted.

The bill was then passed by the following vote:

Yeas—20.

Atlee.	Morriss.
Burns.	Odell.
Davidson.	Potter.
Dibrell.	Ross.
Greer.	Sebastian.
Hanger.	Stone.
James.	Turney.
Kerr.	Wayland.
Lewis.	Yantis.
Lloyd.	Yett.

Nays—1.

Grinnan.

Absent.

Goss.	McGee.
Gough.	Stafford.
Johnson.	Terrell.
Linn.	

Absent—Excused.

Miller.	Neal.
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Senator Odell moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.

Tabled.

32—Senate

HOUSE MESSAGE.

The following message from the House was received:

Hall of the House of Representatives,
Austin, Texas, March 20, 1899.

Hon. Jas. N. Browning, President of the Senate.

I am directed by the House to inform the Senate of the passage of the following:

House Concurrent Resolution No. 39, In memory of the death of Hon. S. P. Evans, and that the Speaker has appointed the following committee in accordance with the resolution: Messrs. Smith of Grayson, Shelburne, Crawford, Conoly, Staples and Wells.

Respectfully,

M. LOGAN,

Acting Chief Clerk House of Representatives.

Senator Potter called up

House Concurrent Resolution No. 39, which is as follows:

Whereas, The grim angel of death has removed from our midst Hon. S. P. Evans, a faithful servant of his people, a distinguished citizen of Texas, and an honorable and able Representative.

Whereas, His manly conduct and brotherly esteem during our association with him has so endeared him to us that we deeply regret his loss as our friend and brother, therefore be it

Resolved by the House of Representatives, the Senate concurring, that in the death of Hon. S. P. Evans, a worthy citizen has gone, the House has lost an able member, and Texas one of her patriotic sons.

Resolved, That we extend to the bereaved wife and family heartfelt sympathy in this hour of grief.

Resolved further, That a committee consisting of nine members, three from the Senate and six from the House, be appointed to take charge of the body and accompany it to the place of its interment near his former home in Grayson county.

The resolution was unanimously adopted, and the Chair appointed, as committee on part of the Senate, Senators Potter, Johnson and Terrell.

Senator Turney called up

Senate bill No. 20, A bill to be entitled "An Act to set apart and appropriate to the permanent school fund of the State of Texas, all of the lands heretofore or hereafter recovered from railway companies or other persons, firms or corporations; and to provide for the disposition of the same," which had passed the

House with amendments, and moved that the Senate non-concur in said amendments, and that a free conference committee to consider the differences of the two houses be requested.

So ordered.

On motion of Senator Dibrell the regular order of business was suspended to take up, on third reading,

Substitute Senate bill No. 65 (general appropriation bill), action being on final passage.

The bill was read a third time.

Pending action on final passage, the following amendments were offered:

By Senator Atlee:

(Relative to Supreme Court Library.)

"Strike out in line 14, on page 9, '1000' where it occurs, and insert in lieu '1500' in each column."

Adopted.

By Senator Wayland:

"Amend page 34, line 30, of the printed bill, by striking out the '\$300.00 for the year 1901.'"

Adopted.

By Senator Dibrell:

"Amend the printed bill on page 11, in line 11, by inserting after the word 'notes' the following, 'the interest from its bonds;' and in line 22, by striking out all in said line and substitute in lieu thereof the following, 'for support and maintenance of.'"

Adopted.

By Senator James:

"Amend page 4, line 9, printed bill, by striking out '1800' where it appears, and by inserting '2000' in lieu thereof."

Adopted.

Pending further action, Senator Goss moved that consideration of the bill be postponed until tomorrow after call.

Lost.

The bill as amended was then passed.

Senator Dibrell moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.

Tabled.

On motion of Senator Stone the regular order of business was suspended to take up, on third reading,

Senate bill No. 199, A bill to be entitled "An Act to confer authority on the Penitentiary Board to issue paroles to meritorious convicts, and to make and establish rules and regulations to carry the same into effect."

Senator Sebastian moved to reconsider the vote by which the regular order of business was suspended.

Lost by the following vote:

Yeas—9.

Greer. Lloyd.
James. Odell.

Patterson.
Potter.
Ross.

Turney.
Yantis.

Nays—12.

Atlee.
Burns.
Dibrell.
Goss.
Hanger.
Kerr.

Lewis.
Morriss.
Sebastian.
Stone.
Wayland.
Yett.

Absent.

Davidson.
Gough.
Grinnan.
Johnson.

Linn.
McGee.
Stafford.
Terrell.

Absent—Excused.

Miller.

Neal.

The bill was read a third time.

Pending action on final passage, the following amendments were offered:

By Senator Odell:

"Amend by inserting after the word 'penitentiaries' on line 2, page 2, the following: 'And the district judge before whom he was tried or the judge presiding over the district court in the county where he was tried.'"

Senator Hanger made the point of order against the amendment that an amendment like in substance had been previously proposed and voted down.

Not sustained.

The amendment was lost by the following vote:

Yeas—9.

Greer.
James.
Lloyd.
Odell.
Patterson.

Potter.
Ross.
Turney.
Yantis.

Nays—13.

Atlee.
Burns.
Davidson.
Dibrell.
Goss.
Hanger.
Kerr.

Lewis.
Morriss.
Sebastian.
Stone.
Wayland.
Yett.

Absent.

Gough.
Grinnan.
Johnson.
Linn.

McGee.
Stafford.
Terrell.

Absent—Excused.

Miller.

Neal.

Senator James moved to adjourn until 10 a. m. tomorrow.

Lost by the following vote:

Yeas—11.

Davidson.
Goss.

Greer.
James.

Lloyd.
Odell.
Patterson.
Potter.

Ross.
Turney.
Yantis.

Nays—12.

Hon. Jas. N. Browning, President.

Atlee.	Morriss.
Burns.	Sebastian.
Dibrell.	Stone.
Hanger.	Wayland.
Kerr.	Yett.
Lewis.	

Absent.

Gough.	McGee.
Grinnan.	Stafford.
Johnson.	Terrell.
Linn.	

Absent—Excused.

Miller.	Neal.
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By Senator Potter:

"Amend by adding to Section 3 the following: 'No application for parole shall be granted unless the same be requested by the Governor of this State, or approved by him in writing.'"

Pending action, Senator Patterson moved to adjourn until 10 a. m. tomorrow.

Lost by the following vote:

Yeas—9.

Greer.	Potter.
James.	Ross.
Lloyd.	Turney.
Odell.	Yantis.
Patterson.	

Nays—14.

Atlee.	Kerr.
Burns.	Lewis.
Davidson.	Morriss.
Dibrell.	Sebastian.
Goss.	Stone.
Grinnan.	Wayland.
Hanger.	Yett.

Absent.

Gough.	McGee.
Johnson.	Stafford.
Linn.	Terrell.

Absent—Excused.

Miller.	Neal.
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By Senator Stone:

Substitute the amendment as follows:

"Amend by adding to Section 3: 'Provided, no parole shall be granted unless the same is approved in writing by the Governor of the State.'"

Pending action, Senator James moved to adjourn until 10 a. m. tomorrow.

Senator Lewis made the point of order that the motion was not in order, because no business had intervened.

Sustained.

Senator James then moved to adjourn until 9:55 a. m. tomorrow.

Senator Lewis made the point of order that the motion was substantially the same as the first.

Not sustained.

Lost by the following vote:

Yeas—10.

Davidson.	Patterson.
Greer.	Potter.
James.	Ross.
Lloyd.	Turney.
Odell.	Yantis.

Nays—13.

Atlee.	Lewis.
Burns.	Morriss.
Dibrell.	Sebastian.
Goss.	Stone.
Grinnan.	Wayland.
Hanger.	Yett.
Kerr.	

Absent.

McGee.

Absent—Excused.

Miller.	Neal.
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The substitute amendment (Stone's) was then adopted by the following vote:

Yeas—13.

Atlee.	Morriss.
Burns.	Patterson.
Dibrell.	Sebastian.
Goss.	Stone.
Hanger.	Wayland.
Kerr.	Yett.
Lewis.	

Nays—9.

Davidson.	Potter.
Greer.	Ross.
James.	Turney.
Lloyd.	Yantis.
Odell.	

Absent.

Gough.	Linn.
Johnson.	

Absent—Excused.

Miller.	Neal.
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Pending action on the adoption of the amendment as substituted, Senator Yantis moved to adjourn until 10 a. m. tomorrow:

Lost by the following vote:

Yeas—10.

Davidson.	Patterson.
Greer.	Potter.
James.	Ross.
Lloyd.	Turney.
Odell.	Yantis.

Nays—12.

Atlee.	Lewis.
Burns.	Morriss.
Dibrell.	Sebastian.
Goss.	Stone.
Hanger.	Wayland.
Kerr.	Yett.

Absent.

Gough.	Johnson.
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Absent—Excused.

Miller.	Neal.
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The amendment as substituted was adopted by the following vote:

Yeas—21.

Atlee.	Morriss.
Burns.	Odell.
Davidson.	Patterson.
Dibrell.	Potter.
Goss.	Ross.
Greer.	Sebastian.
Hanger.	Stone.
James.	Wayland.
Kerr.	Yantis.
Lewis.	Yett.
Lloyd.	

Nays—1.

Turney.	
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Absent.

Gough.	McGee.
Grinnan.	Stafford.
Johnson.	Terrell.
Linn.	

Absent—Excused.

Miller.	Neal.
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Pending further action, Senator James moved to adjourn until 10 a. m. tomorrow.

Lost by the following vote:

Yeas—10.

Davidson.	Patterson.
Greer.	Potter.
James.	Ross.
Lloyd.	Turney.
Odell.	Yantis.

Nays—12.

Atlee.	Lewis.
Burns.	Morriss.
Dibrell.	Sebastian.
Goss.	Stone.
Hanger.	Wayland.
Kerr.	Yett.

Absent.

Gough.	McGee.
Grinnan.	Stafford.
Johnson.	Terrell.
Linn.	

Absent—Excused.

Miller.	Neal.
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By Senator Turney:

"Amend by adding to Section 3 the following: 'Provided, that in all cases of parole the person paroled shall enter into a good and sufficient bond with two sureties, for his prompt return within the prison walls when demanded so to do by the superintendent of the penitentiary, in a sum to be fixed by such board, not however, in a less sum than \$500.'"

Lost by the following vote:

Yeas—8.

Greer.	Potter.
James.	Ross.
Lloyd.	Turney.
Patterson.	Yantis.

Nays—15.

Atlee.	Lewis.
Burns.	Morriss.
Davidson.	Odell.
Dibrell.	Sebastian.
Goss.	Stone.
Grinnan.	Wayland.
Hanger.	Yett.
Kerr.	

Absent.

Gough.	McGee.
Johnson.	Stafford.
Linn.	Terrell.

Absent—Excused.

Miller.	Neal.
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Senator James moved to adjourn until 10 a. m. tomorrow.

Lost by the following vote:

Yeas—10.

Davidson.	Patterson.
Greer.	Potter.
James.	Ross.
Lloyd.	Turney.
Odell.	Yantis.

Nays—13.

Atlee.	Lewis.
Burns.	Morriss.
Dibrell.	Sebastian.
Goss.	Stone.
Grinnan.	Wayland.
Hanger.	Yett.
Kerr.	

Absent.

Gough.	McGee.
Johnson.	Stafford.
Linn.	Terrell.

Absent—Excused.

Miller.	Neal.
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By Senator Greer:

"Amend page 2 by striking out all from the word 'prison,' line 12, of the printed bill, to and including the word 'board,' line 14."

Lost by the following vote:

Yeas—8.

Greer.	Potter.
James.	Ross.
Lloyd.	Turney.
Odell.	Yantis.

Nays—14.

Atlee.	Kerr.
Burns.	Lewis.
Davidson.	Morriss.
Dibrell.	Sebastian.
Goss.	Stone.
Grinnan.	Wayland.
Hanger.	Yett.

Absent.

Gough.	McGee.
Johnson.	Stafford.
Linn.	Terrell.

Absent—Excused.

Miller.	Neal.
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Senator James moved that further consideration of the bill be postponed until 10 a. m. tomorrow, and that the bill be made a special order for that hour.

Lost by the following vote:

Yeas—9.

Davidson.	Potter.
Greer.	Ross.
James.	Turney.
Lloyd.	Yantis.
Odell.	

Nays—13.

Atlee.	Lewis.
Burns.	Morriss.
Dibrell.	Sebastian.
Goss.	Stone.
Grinnan.	Wayland.
Hanger.	Yett.
Kerr.	

Absent.

Gough.	Patterson.
Johnson.	Stafford.
Linn.	Terrell.
McGee.	

Absent—Excused.

Miller.	Neal.
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Senator Odell moved to adjourn until 10 a. m. tomorrow.

Lost by the following vote:

Yeas—10.

Davidson.	Potter.
Greer.	Ross.
James.	Turney.
Lloyd.	Wayland.
Odell.	Yantis.

Nays—12.

Atlee.	Goss.
Burns.	Grinnan.
Dibrell.	Hanger.

Kerr.	Sebastian.
Lewis.	Stone.
Morriss.	Yett.

Absent.

Gough.	Patterson.
Johnson.	Stafford.
Linn.	Terrell.
McGee.	

Absent—Excused.

Miller.	Neal.
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By Senator Yantis:

"Amend page 1, line 14, of the printed bill, by striking out the word 'one-fourth' and insert in lieu thereof the word 'three-fourths.'"

Lost by the following vote:

Yeas—9.

Davidson.	Potter.
Greer.	Ross.
James.	Turney.
Lloyd.	Yantis.
Odell.	

Nays—13.

Atlee.	Lewis.
Burns.	Morriss.
Dibrell.	Sebastian.
Goss.	Stone.
Grinnan.	Wayland.
Hanger.	Yett.
Kerr.	

Absent.

Gough.	Patterson.
Johnson.	Stafford.
Linn.	Terrell.
McGee.	

Absent—Excused.

Miller.	Neal.
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Senator Odell moved to adjourn until 10 a. m. tomorrow.

Lost by the following vote:

Yeas—9.

Davidson.	Potter.
Greer.	Ross.
James.	Turney.
Lloyd.	Yantis.
Odell.	

Nays—13.

Atlee.	Lewis.
Burns.	Morriss.
Dibrell.	Sebastian.
Goss.	Stone.
Grinnan.	Wayland.
Hanger.	Yett.
Kerr.	

Absent.

Gough.	Patterson.
Johnson.	Stafford.
Linn.	Terrell.
McGee.	

Absent—Excused.

Miller. Neal.

By Senator Turney:

"Amend by striking out the word 'one-fourth' in line 14, page 1, and insert in lieu thereof 'one-half.'"

No quorum, the following voting:

Yeas—14.

Atlee.	Odell.
Davidson.	Potter.
Dibrell.	Ross.
Greer.	Turney.
James.	Wayland.
Kerr.	Yantis.
Lloyd.	Yett.

Nays—6.

Burns.	Morriss.
Hanger.	Sebastian.
Lewis.	Stone.

Absent.

Goss.	McGee.
Gough.	Patterson.
Grinnan.	Stafford.
Johnson.	Terrell.
Linn.	

Absent—Excused.

Miller. Neal.

On motion of Senator Yantis, the Senate adjourned until 10 a. m. tomorrow.

FIFTIETH DAY.

Senate Chamber,

Austin, Texas, Tuesday, March 21, 1899.

Senate met pursuant to adjournment.

Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Lloyd.
Burns.	Morriss.
Davidson.	Odell.
Dibrell.	Patterson.
Goss.	Potter.
Gough.	Ross.
Greer.	Sebastian.
Grinnan.	Stone.
Hanger.	Terrell.
James.	Turney.
Johnson.	Wayland.
Kerr.	Yantis.
Lewis.	Yett.

Absent.

Linn.	Stafford.
McGee.	

Absent—Excused.

Miller. Neal.

Prayer by the Chaplain, Rev. Dr. Denison.

Pending the reading of the Journal of yesterday,

On motion of Senator Patterson, the same was dispensed with.

EXECUTIVE MESSAGE.

(Vetoing Senate bill No. 193.)

The following message from the Governor was received, read, and, on motion of Senator Atlee, referred to the Committee on Internal Improvements, to wit:

To the Senate.

In returning Senate bill No. 193, I submit the following reasons for withholding from it my approval:

1. The distance from Tyler to Galveston, the principal gulf port of the State, via the International & Great Northern Railway is 265 miles; that over the St. Louis Southwestern Railway to Corsicana, thence over the Houston & Texas Central Railway is 335 miles; and that over the Tyler Southeastern Railway to Lufkin, thence over the Houston East & West Texas Railway is 257 miles. It cannot be doubted that the International & Great Northern and the St. Louis Southwestern Railways are parts of the same system, and are practically under one and the same control. It is also true that the Tyler Southeastern Railway is a competitor with the other two roads named for all traffic and travel between Tyler and Galveston. This being so, the consolidation, for which the pending measure provides, comes within the inhibition imposed by Section 5, Article X, of the Constitution as interpreted by the Supreme Court in the case of the East Line & Red River Railway Company vs. The State of Texas, Volume 75, Supreme Court Reports.

The fact that the Tyler Southeastern Railway only extends to Lufkin—a distance of but 88.61 miles from Tyler—does not become a factor in the case, because under Section 1, Article X, of the Constitution, it has the right to intersect, connect with or cross the Houston East & West Texas Railway, which passes through Lufkin, thence to Houston, and it is made the duty of the Houston East & West Texas Line to receive and transport the passengers, tonnage and cars, loaded or empty, without delay or discrimination, of the Tyler Southeastern Railway. It cannot but be evident to every one, who will consider the question for a moment, that if the pending bill should become law the probable, if not certain effect, will be to destroy all competition between Tyler and Galveston in the matter of railway traffic and travel,